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2006.

/David H. Brinkman/ 6/1/06
David H. Brinkman, Reg. No. 40,532 Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James R. Mujwid et al.
Serial No.: 10/821,298
Filed: April 9, 2004
Group Art Unit: 3733
Examiner: Araj, Michael J.
Title: VARIABLE-AXIS SURGICAL DRIVER
Atty. Docket No.: ZMS-MI08US

Cincinnati, OH

June 1, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT
UNDER 35 U.S.C. § 121**

In response to the Restriction Requirement mailed on May 2, 2006,
Applicants hereby provisionally elect the claims of Group I, namely claims 1-23 and
31-36, for prosecution on the merits, with traverse, and without prejudice to filing a
separate divisional application directed to non-elected claims.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By /David H. Brinkman/
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